

COLASTERION:
A
REPLY TO
A
NAMELES ANSWER
AGAINST
The Doctrine and Discipline of Divorce.

WHEREIN
The trivial Author of that Answer is discover'd, the Licencer conferr'd with, and the Opinion which they traduce defended.

By the former Author, J. M.

Prov. 26. 5.

Answer a Fool according to his folly, lest hee bee wise in his own conceits.

Printed in the Year, 1645.

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COLASTERION:

A

Reply to a nameless Answer against the *Doctrine and Discipline of Divorce.*

AFTER many rumors of confutations and convictions forth coming against *The Doctrine and Discipline of Divorce*, and now and then a by-blow from the Pulpit, featherd with a censure strict indeed, but how true, more beholding to the authority of that devout place which it borrowd to bee utterd in, then to any sound reason which it could oracle, while I still hop'd as for a blessing to see some peeces of diligence, or lerned discretion come from them, it was my hap at length lighting on a certain parcel of *Quaries*, that seek and finde not, to finde not seeking, at the taile of *Anabaptistical, Antinomian, Heretical, Atheistical* epithets, a jolly slander, call'd *Divorce at pleasure*: I stood a while and wonder'd, what wee might doe to a mans heart, or what anatomic use, to finde in it sincerity; for all our wonted marks every day fail us, and where wee thought it was, wee see it is not, for alter and change of residence it cannot sure. And yet I see no good of body or of minde secure to a man for all his past labours without perpetual watchfulness, and perseverance. When as one above others who hath suffer'd much and long in the defence of Truth, shall after all this, give her cause to leav him so destitute and so vacant of her defence, as to yeild his mouth to bee the common road of Truth and Falshood, and such falshood as is joyn'd with the rash and heedles calumny of his neighbour. For what book hath hee ever met with, as his complaint is, *Printed in the City*, maintaining either in the title, or in the whole performance, *Divorce at pleasure*? Tis true, that to divorce upon extreme necessity, when through the perversnes, or the apparent unfitness of either, the continuance can bee to both no good at all, but an into-

lerable injury and temptation to the wronged and the defrauded, to divorce then, there is a book that writes it lawfull. And that this Law is a pure and wholesome rational Law, not to be withheld from good men, because others likely enough may abuse it to their pleasure, can not bee charg'd upon that book, but must bee enter'd a bold and impious accusation against God himself; who did not for this abuse withhold it from his own people. It will bee just therefore, and best for the reputation of him who in his *Subsidies* hath this censur'd, to recall his sentence. And if, out of the abundance of his volumes, and the readines of his quill, and the vastness of his other imployments, especially in the great audit for accounts, hee can spare us ought to the better understanding of this point, hee shall bee thank'd in public, and what hath offended in the book, shall willingly submit to his correction. Provided he bee sure not to come with those old and stale suppositions, unless hee can take away clearly what that discours hath urg'd against them, by one who will expect other arguments to bee perswaded the good health of a sound answer, then the gout and dropy of a big margent, litter'd and overlaid with crude and huddl'd quotations. But as I still was waiting, when these light arm'd refuters would have don peking at this three lines offer'd with a sage delivery of no reason, but an impotent and worse then *Banner*-like censure to burn that which provokes them to a fair dispute; at length a book was brought to my hands, entitl'd *An Answer to the Doctrine and Discipline of Divorce*. Gladly I receiv'd it, and very attentively compos'd my self to read; hoping that now some good man had yourlast the pains to instruct mee better, then I could yet learn out of all the volumes which for this purpos I had visit'd. Only this I marvel'd, and other men have since, when as I, in a Subject so new to this age, and so hazardous to please, conceal'd not my name, why this Author defending that part which is so creeded by the people, would conceal his? But ere I could enter three leaves into the Pamphlet, (for I defer the peevishly rudenes, which by the Licencers leav, I met with afterwards) my satisfaction came in abundantly; that it could bee nothing why hee durst not name himself, but the guilt of his own wretchednes. For first, not to speak of his abrupt and bald beginning, his very first page notoriously bewraites him an ignorant, and arrogant presumer in that which hee understands not; bearing us in hand as if hee knew both Greek and Hebrew, and is not able to spell

spell it; which had hee bin, it had bin either writt'n as it ought, or scor'd upon the Printer. If it bee excus'd as the carelesnes of his deputy, bee it known, the learned Author himself is inventoried, and summd up, to the utmost value of his Livery cloak. Who ever hee bee, though this to him may seem a slight contest, I shall yet continue to think that man full of other secret injustice, and deccentfull pride, who shall offer in public to assume the skill, though it bee but of a tongue which hee hath not, and would catch his readers to believe of his ability, that which is not in him. The Licencer indeed, as his authority now stands, may licence much; but if these Greek *Orthographies* were of his licencing; the boyes at School might reckon with him at his Grammar. Nor did I finde this his want of the pretended Languages alone, but accompanied with such a low and home-spun expression of his Mother *English* all along, without joynt or frame, as made mee, ere I knew further of him, often stop, and conclude, that this Author could for certain bee no other then some mechanic. Nor was the stile flat and rude, and the matter grave and solid, for then ther had bin pardon, but so shallow and so unwary was that also, as gave sufficiently the character of a gross and sluggish, yet a contentious and overweening pretender. For first, it behooving him to shew, as hee promises, what divorce is, and what the true doctrine and Discipline thereof, and this beeing to doe by such principles and prooffs as are receav'd on both sides, hee performes neither of these; but shews it first from the *Judaical* practice, which hee himself disallows, and next from the practice of Canon Law, which the Book hee would confute, utterly rejects, and all Laws depending thereon; which this puny Clark calls *The Laws of England*, and yet pronounces them by an *Ecclesiastical* judge: as if that were to bee accounted the Law of *England*, which depended on the Popery of *England*; or if it were, this Parliament hee might know hath now damn'd that judicature. So that whether his meaning were to inform his own party, or to confute his adversary, instead of shewing us the true Doctrine and Discipline of Divorce, hee shews us nothing but his own contemptible ignorance. For what is the *Mosaic* Law to his opinion, and what is the Canon utterly now antiquated, either to that or to mine? Yee see already what a faithfull defender we have him. From such a wind-egg of definition as this, they who expect any of his other arguments to bee well hatched, let them enjoy the

vertu of this worthy Champion. But one thing more I observ'd, a
 singular note of his stupidity, and that his Trade is not to meddle with
 Books, much less with Confutations. When as the *Dollrin of Di-*
vorce had now a whole year bin publisht the second time, with many
 Arguments added, and the former ones better'd and confirm'd, this
 idle pamphlet comes reeling forth against the first Edition only; as may
 appear to any by the pages quoted. Which put me in minde of what
 by chance I had notice of to this purpos the last Summer, as nothing
 so serious, but happens oft times to bee attended with a ridiculous ac-
 cident, it was then told mee that the *Dollrin of divorce* was answerd,
 and the answer half Printed against the first Edition; not by one, but
 by a pack of heads; of whom the cheif, by circumstance, was intimat-
 ed to mee, and since ratifi'd to bee no other, if any can hold laugh-
 ter, and I am sure none will guess him lower, then an actual Serving-
 man. This creature, for the Story must on, (and what though hee
 bee the lowest person of an interlude, hee may deserv a canvassing,)
 transplanted himself, and to the improvment of his wages, and your
 better notice of his capacity, turn'd Solliciter. And having con-
 vers'd much with a stripling Divine or two of those newly sledge
Probationers, that usually come scouring from the Univerfity, and ly
 heer no lame *legers* to pop into the *Bethesda* of som Knights Chaplain-
 ship, where they bring grace to his good cheer, but no peace or be-
 nediction elsto his house; these made the *Champarty*, hee contri-
 buted the Law, and both joynd in the Divinity. Which made mee
 intend, following the advice also of freinds, to lay aside the thought
 of mis-spending a Reply to the buzze of such a Drones nest. But find-
 ing that it lay, what ever was the matter, half a year after unfinisht
 in the press, and hearing for certain that a Divine of note, out of his
 good will to the opinion, had takn it into his revise, and somthing
 had put out, somthing put in, and stuck it heer and there with a clove
 of his own *Calligraphy*, to keep it from tainting, and funder when I
 saw the stuff, though very courts and thred-bare, garnisht and trimly
 fact with the commendations of a Licencer, I resolv'd, so soon, as
 leisure granted mee the recreation, that my man of Law should not
 altogether loose his soll citing. Although I impute a share of the
 making to him whose name I find in the approbation, who may take,
 as his mind servs him, this Reply. In the mean while it shall bee
 seen, I refuse no occasion, and avoid no adversary, either to main-

tane what I have begun, or to give it up for better reason.

To begin then with the Licencer and his censure. For a Licencer is not contented now to give his single *Imprimatur*, but brings his chair into the Title leaf; there sits and judges up or judges down what book hee pleases; if this bee suffer'd, what worthles Author, or what cunning Printer will not bee ambitious of such a State to put off the heaviest gear; which may in time bring in round fees to the Licencer, and wretched mis-leading to the People. But to the matter: he approves the publishing of this Book, to preserv the strength and honour of Mariage against those sad breaches and dangerous abuses of it. Belike then the wrongfull suffering of all those sad breaches and abuses in Mariage to a remediless thralldom, is the strength and honour of Mariage; a boistrous and bestial strength, a dis-honourable honour, an insatuated Doctrine. wors then the *salus jure* of tyrannizing, which wee all fight against. Next hee saith that *common discontents make these breaches in unstaied mindes, and men given to change*. His words may be apprehended, as if they disallow'd only to divorce for *common discontents in unstaied mindes*, having no cause; but a *desire of change*, and then wee agree. But if hee take all discontents on this side adultery, to bee common, that is to say, not difficult to endure, and to affect only *unstaied mindes*, it might administer just cause to think him the unfittest man that could bee, to offer at a comment upon *Job*; as seeming by this to have no more true sense of a good man in his afflictions, then those *Edomitish* Freinds had, of whom *Job* complains, and against whom God testifies his anger. Shall a man of your own coat, who hath espous'd his flock; and represents Christmore, in beeing the true husband of his Congregation, then an ordinary man doth in beeing the husband of his wife, and yet this representment is thought a cheif cause why Mariage must bee inseparable, shall this spiritual man ordinarily for the increate of his maintenance, or any slight cause forsake that wedded cure of souls, that should bee dearest to him, and marry another, and another, and shall not a person wrongfully afflicted, and persecuted even to extremity, forsake an unfit, injurious, and pestilent mate, ty'd only by a civil and fleshy covenant? If you bee a man so much hating change, hate that other change; if your self bee not guilty, counsel your brethren to hate it; and leav to bee the supercilious judge of other mens miseries and changes, that your own bee not judg'd. The reasons of your licen't pamphlet, you say

are good; they must bee better then your own then, I shall wonder els how such a trivial fellow was accepted and commended, to bee the confuter of so dangerous an opinion, as yee give out mine.

Now therefore to your *Attorney*, since no worthier an adversary makes his appearance, nor this neither his appearance, but lurking under the safety of his nameles obscurity: such as yee turn him forth at the Postern, I must accept him; and in a better temper then *Ajax*, doe mean to scourge this *Ramme* for yee, till I meet with his *Ulysses*.

Hee begins with Law, and wee have it of him as good cheap, as any huchler at Law, newly set up, can possibly afford, and as impertinent; but for that hee hath receiv'd his hanel. Hee presumes also to cite the Civil Law, which, I perceav by his citing never came within his *dormitory*, yet what hee cites makes but against himself.

His second thing therefore is to refute the advers. position, and very methodically, three pages before hee sets it down; and sets his own in the place, *that disagreement of minde or disposition, though shewing it self in much sharpnes is not by the Law of God, or man, a just cause of divorce.*

To this position I answer, that it lays no battery against mine, no, nor so much as faces it, but tacks about, long ere it come neer, like a harmies and respectfull confutement. For I confess that disagreement of minde or disposition, though in much sharpnes, is not alwaies a just cause of divorce; for much may hee endur'd. But what if the sharpnes bee much more then his much? To that point it is our mis-hap wee have not heer his grave decision. Hee that will contradict the positive which I alleg'd, must hold that no disagreement of minde, or disposition, can divorce, though shewn in most sharpnes; otherwise hee leaves a place for equity to appoint limits, and so his following arguments will either not prove his own position, or not disprove mine.

His first Argument, all but what hobbles to no purpos, is this *Where the Scripture commands a thing to bee don, it appoints when, how, and for what, as in the case of death, or excommunication. But the Scripture directs not what measure of disagreement, or contrariety may divorce; Therefore, the Scripture allows not any divorce for disagreement.*

Answer, First I deny your major, the Scripture, appoints many things, and

and yet leaves the circumstance to mans discretion, particularly, in your own examples; Excommunication is not taught when, and for what to bee, but left to the Church. How could the Licencet let pals this childish ignorance and call it *good*. Next, in matter of death, the Laws of *England*, whereof you have intruded to bee an opiniastrous *Sub-advocate*, and are bound to defend them, conceive it not enjoin'd in Scripture, when or for what cause they shall put to death, as in adultery, theft, and the like; your *minor* also is fals, for the Scripture plainly sets down for what measure of disagreement a man may divorce, *Deut. 24. 1.* learn better what that phrase means, *if she finde no favour in his eyes.*

Your second Argument, without more tedious fumbling is breisfly thus. *If diversity in Religion, which breeds a greater dislike then any natural disagreement may not cause a divorce, then may not the lesser disagreement: but diversity of Religion may not; Ergo.*

Answer, First, I deny in the *major*, that diversity of Religion, breeds a greater dislike to marriage duties, then natural disagreement. For between *Israhelims*, or Christian and Infidel more often hath bin seen too much love: but between them who perpetually clah in natural contrarieties, it is repugnant that ther should bee ever any married love or concord. Next, I deny your *minor*, that it is commanded not to divorce in diversity of Religion, if the Infidel will stay: for that place in *St. Paul*, commands nothing, as *that book* at large affirm'd, though you over-skipt it.

Secondly, if it doe command, it is but with condition, that the Infidel bee content, and well pleas'd to stay, which cuts off the supposal of any great hatred or disquiet between them; seeing the Infidel had liberty to depart at pleasure; and so this comparison avails nothing.

Your third Argument is from *Deut. 22.* *If a man hate his wife, and raise an ill report, that hee found her no virgin, if this were fals, he might not put her away, though hated never so much.*

Answer, This was a malicious hatred bent against her life, or to send her out of doores without her portion. Such a hater looses by the punishment that privilege, *Deut. 24. 1.* to divorce for a natural dislike, which though it could not love conjugally, yet sent away civilly, and with just conditions. But doubtles the Wife in that former case had liberty to depart from her fals acuser, lest his hatred should

should prove mortal; els that Law peculiarly made to right the woman, had turn'd to her greatest mischeif,

Your fourth Argument, *One Christian ought to bear the infirmities of another, but chiefly of his Wife.*

Answer, I grant, infirmities, but not outrages, not perpetual defraudments of truest conjugal society, not injuries and vexations as importunate as fire. Yet to endure very much, might doe well an exhortation, but not a compulsive Law. For the Spirit of God himself by Solomon declares that such a consort *the earth cannot bear, and better dwell in a corner on the house top, or in the wilderness.* Burdens may bee borne, but still with consideration to the strength of an honest man complaining. Charity indeed bids us forgive our enemies, yet doth not force us to continue freindship and familiarity with those freinds who have bin fals or unworthy toward us; but is contented in our peace with them, at a fair distance. Charity commands not the husband to receive again into his bosom the adulterous Wife, but thinks it enough, if hee dismiss her with a beneficent and peaceful dismission. No more doth Charity command, nor can her rule compell, to retain in nearest union of wedlock, one whose other greatest faults, or disabilities to perform what was covenanted, are the just causes of as much greivance and disention in a Family, as the private act of adultery. Let not therefore under the name of fulfilling Charity, such an unmercifull, and more then legal yoke, bee padlockt upon the neck of any Christian.

Your fifth Argument, *If the husband ought love his Wife, as Christ his Church, then ought shee not to bee put away for contrariety of minde.*

Answer, This similitude turnes against him. For if the husband must bee as Christ to the Wife, then must the wife bee as the Church to her husband. If ther bee a perpetual contrariety of minde in the Church toward Christ, Christ himselfe threatens to divorce such a Spouse, and hath often don it. If they urge, this was no true Church, I urge again, that was no true Wife.

His sixth Argument is from the 5 of *Matthew* 32. which hee expounds after the old fashion, and never takes notice of what I brought against that exposition; Let him therefore seek his answer there. Yet can hee not leav this Argument, but hee must needs first shew us a curvet of his madnes, holding out an objection, and running him-

self upon the point. For, saith hee, if *Christ except no cause but adultery, then all other causes as frigidity, incestuous marriage, &c. are no causes of divorce; and answers that the speech of Christ holds universally, as hee intended it namely to condemn such divorce, as was groundlesly practis'd among the Jews, for every cause which they thought sufficient; not checking the law of consanguinities or affinities; or forbidding other causes which makes marriage void, Ipso facto.*

Ans. Look to it now you be not found taking fees on both sides, for if you once bring limitations to the universal words of Christ, another will doe as much with as good authority, and affirm, that neither did hee check the Law Deut. 24. 1. nor forbid the causes that make marriage void actually; which if any thing in the world doth, unfitness doth, and contrariety of minde; yea, more then adultery, for that makes not the marriage void, nor much more unfit, but for the time, if the offended party forgive; but unfitness and contrariety frustrates and nullifies for ever, unless it bee a rare chance, all the good and peace of wedded conversation; and leaves nothing between them enjoyable, but a prone and savage necessity, not worth the name of marriage, unaccompanied with love. Thus much his own objection hath don against himself.

Argu. 7. Hee insists, *that man and wife are one flesh, therefore must not separat.* But must bee sent to look again upon the 35. pag. of that book, where hee might have read an answer, which hee stirrs not. Yet can hee not abstain, but hee must doe us another pleasure ere hee goes; Although I call the Common Pleas to witness, I have not hir'd his tongue, whatever men may think by his arguing. For besides adultery, hee excepts *other causes which dissolv the union of being one flesh, either directly, or by consequence.* If only adultery bee excepted by our Saviour, and hee voluntarily can adde other exceptions that dissolv that union *both directly and by consequence,* these words of Christ, the main obstacle of divorce, are open to us by his own invitation to include what ever causes dissolv that union of flesh, *either directly or by consequence.* Which, till hee name other causes more likely, I affirm to bee don soonest by unfitness and contrariety of minde. For that induces hatred, which is the greatest dissolver, both of spiritual and corporal union, turning the minde and consequently the body to other objects. Thus our doubty adversary, *either directly, or by consequence* yeilds us the question with his own mouth,

and the next thing hee does, recants it again.

His eighth Argument shivers in the uttering, and hee confesses to be not over confident of it, but of the rest it may be sworn hee is. St. Paul, 1 Cor. 7. saith, that *the married have trouble in the flesh*, therefore wee must bear it, though never so intolerable.

I Answer, if this be a true consequence, why are not all troubles to be born alike? why are wee suffer'd to divorce adulteries, desertions, or frigidities? Who knows not that trouble and affliction is the decree of God upon every state of life? follows it therefore, that though they grow excessive, and insupportable, wee must not avoid them? if wee may in all other conditions, and not in marriage, the doom of our suffering ties us not by the trouble, but by the bond of marriage; and that must be prov'd inseparable from other reasons, not from this place. And his own confession declares the weaknes of this Argument, yet his ungovern'd arrogance could not be dissuaded from venting it.

His ninth Argument is, *That a husband must love his wife as himself, therefore hee may not divorce for any disagreement, no more then hee may separate his soul from his body.*

I Answer, if hee love his wife as himself, hee must love her so farre as hee may preserv himself to her in a cheerfull and comfortable manner, and not so as to ruin himself by anguish and sorrow, without any benefit to her. Next, if the husband must love his wife as himself, there must be understood a wife in som reasonable measure, willing, and sufficient to perform the cheif duties of her Covenant, els by the hold of this argument, it would be his great sin to divorce either for adultery, or desertion. The rest of this will run circuit with the union of one flesh, which was answer'd before. And that to divorce a relative and *Metaphorical* union, of two bodies into one flesh, cannot be lik'd in all things to the dividing of that natural union of soul and body into one person, is apparent of it self.

His last Argument hee fetches *from the inconveniences that would follow upon this freedom of divorce, to the corrupting of mens minds, and the overturning of all human society.*

But for mee, let God and Moses answer this blasphemer, who dares bring in such a foul endightment against the divine Law. Why did God permit this to his people the Jewes, but that the right and good which came directly therby, was more in his esteem, then the wrong

and evil which came by accident. And for those weak supposes of Infants that would be left in their mothers belly, (which must needs be good news for Chamber-maids, to hear a Serving-man grown so provident for great bellies) and portions, and joyntures likely to incur imbezlement heereby, the ancient civil Law instructs us plentifully how to award, which our profound opposite knew not, for it was not in his Tenures.

His Arguments are spun, now follows the Chaplain with his Antiquities, wiser if hee had refrain'd, for his very touching ought that is lerned, soiles it, and lays him still more and more open a conspicuous gull. There beeing both Fathers and Councils more ancient, wherwith to have serv'd his purpos better then with what hee cites, how may we doe to know the fittle drift that mov'd him to begin first with the *twelfth Councel of Toledo*? I would not undervalue the depth of his notion, but perhaps he had heard that the men of *Toledo* had store of good blade-mettle, and were excellent at cuttling; who can tell but it might bee the reach of his policy, that these able men of decision, would doe best to have the prime stroke among his testimonies in deciding this cause. But all this craft avails him not; for seeing they allow no cause of divorce but fornication, what doe these keen Doctors heere but cut him over the sinews with thir *Toledo's*, for holding in the precedent page other causes of divorce besides, *both directly, and by consequence*. As evil doth that *Saxon Councel*, next quoted, bestead him. For if it allow divorce precisely for no cause but fornication, it thwarts his own Exposition: and if it understand fornication largely, it sides with whom hee would confute. However the authority of that Synod can bee but small, beeing under *Theodorus*, the *Canterbury Bishop*, a *Græcian Monk of Tarsus*, revolted from his own Church to the Pope. What have wee next? The Civil Law stuff in between two Councils, as if the *Code* had bin som Synod; for that hee understood himself in th^e quotation is incredible; where the Law, *Cod. l. 3. tit. 38. leg. 11.* speaks not of divorce, but against the dividing of possessions to divers heires, wherby the married servants of a great family were divided perhaps into distant Countries, and Colonies, Father from Son, Wife from Husband, sore against thir will. Somewhat lower hee confesses, *that the Civill Law allows many reasons of divorce, but the Cannon Law decrees otherwise*. A fair credit to his Cause; and I amaze me, though the fancy of this

don't bee as obtuse and sad as any mallet, how the Licencer could sleep out all this, and suffer him to uphold his opinion, by Canons, & *Gregorian decretals*, a Law which not only his adversary, but the whole reformation of this Church and State hath branded and rejected. As ignorantly, and too ignorantly to deceav any Reader but an unlearned, hee talks of *Iustin Martyrs* Apology, not telling us which of the twain; for that passage in the beginning of his first, which I have cited els-where, plainly makes against him: So doth *Tertullian*, cited next, and next *Erasmus*, the one against *Marcion*, the other in his Annotations on *Matthew*, and to the *Corinthians*. And thus yee have the List of his choice Antiquities, as pleasantly chosen as yee would wish from a man of his handy Vocation, puffed up with no luck at all, above the flint of his capacity.

Now hee comes to the Position, which I lett down whole; and like an able text man flits it into fowr, that hee may the better come at it with his Barbar Surgery, and his sleeves turn'd up. Wherin first hee denies that any disposition, unfitness, or contrariety of minde is unchangeable in nature, but that by the help of diet and physick it may be alter'd.

I mean not to dispute Philosophy with this Pork, who never read any. But I appeal to all experience, though there bee many drugs to purge those redundant humors, and circulations that commonly impair health, and are not natural, whether any man can with the safety of his life bring a healthy constitution into physick with this designe, to alter his natural temperament, and disposition of minde. How much more vain, and ridiculous would it bee, by altering and rooting up the grounds of nature, which is most likely to produce death or madness, to hope the reducing of a minde to this or that finenes, or two disagreeing mindes to a mutual sympathy. Suppose they might, and that with great danger of thir lives and right senses, alter one temperature, how can they know that the succeeding disposition will not bee as farre from fitness and agreement? They would perhaps change Melancholy into Sanguine, but what if spleen, and choler in as great a measure come instead, the unfitness will be still as difficult and troublesom. But lastly, whether these things bee changeable, or not, experience teacheth us, and our Position supposes that they seldom doe change in any time commensurable to the necessities of man; or convenient to the ends of marriage. And if the fault bee in the one, shall the other live all his daies in bondage and misery for

for anothers perversenes, or immedicable disaffection? To my freinds, of which may fewest bee so unhappy, I have a remedy, as they know, more wise and manly to prescribe: but for his freinds and followers (of which many may deserv justly to feel themselves the unhappines which they consider not in others) I send them by his advice to sit upon the stool and straine, till their cross dispositions and contrarieties of minde shall change to a better correspondence, and to a quicker apprehension of common sense, and thir own good.

His second Reason is as heedles, *because that grace may change the disposition, therefore no indisposition may cause divorce.*

Answer. First, it will not bee deniable that many persons, gracious both, may yet happen to bee very unfitly married, to the great disturbance of either. Secondly, what if one have grace, the other not, and will not alter, as the Scripture testifies ther bee of those, in whom wee may expect a change, when *the Blackamore changes his colour, or the Leopard his spots*, Jer. 13. 23. shall the gracious therefore dwell in torment all his life, for the ungracious? Wee see that holiest precepts, then which ther can no better physic bee administred to the minde of man, and set on with powerfull preaching, cannot work this cure, no not in the family, not in the wife of him that Preaches day and night to her. What an unreasonable thing it is that men, and Clergy-men especially, should exact such wondrous changes in another mans house, and are seen to work so little in thir own?

To the second point of the position, that this *unfitnes* hinders the main ends, and benefits of mariage, hee answers, *if I mean the unfitnes of choler, or sullen disposition, that soft words according to Solomon, pacify wrath.*

But I reply, that the saying of *Salomon*, is a Proverb frequently true, not universally, as both the event shews, and many other sentences writtn by the same Author particularly of an evill woman, *Prov. 21. 9. 19.* and in other Chapters, that shee is better shun'd then dwelt with, and a desert is prefer'd before her society. What need the Spirit of God put this chois into our heads, if soft words could alwaies take effect with her? How frivolous is, not only this dispute, but hee that taught him thus, and let him come abroad.

To his second answer I return this, that although there bee not easily found such an *antipathy*, *as to hate one another like a toad or poison*, yet that

that there is oft such a dislike in both, or either, to conjugal love, as hinders all the comfort of Matrimony, scars any can bee so simple, as not to apprehend. And what can be *that favour, found or not found in the eyes of the Husband*, but a natural liking or disliking, wherof the Law of God, *Deut. 24.* beares witnes, as of an ordnary accident, and determines wisely, and divinely thereafter. And this disaffection happning to bee in the one, not without the unspeakable discomfort of the other, must hee bee left like a thing consecrated to calamity, and despair without redemption?

Against the third branch of the position hee denies *that solace, and peace, which is contrary to discord and variance, is the main end of marriage.* What then? Hee will have it *the solace of male, and female.* Came this doctrin out of som School, or som stie? Who but one forsak'n of all sense and civil nature, and cheisly of Christianity, will deny that peace contrary to discord, is the calling and the general end of every Christian, and of all his actions, and more especially of marriage, which is the dearest league of love, and the dearest resemblance of that love which in Christ is dearest to his Church; how then can peace and comfort, as it is contrary to discord, which God hates to dwell with, not bee the main end of marriage? Discord then wee ought to fly, and to pursue peace, farre above the observance of a civil covenant, already broken, and the breaking dayly iterated on the other side. And what better testimony then the words of the instituti- on it self, to prove, that a conversing solace, & peacefull society is the prime end of marriage, without which no other help, or office can bee mutual, beseeming the dignity of reasonable creatures, that such as they should be coupl'd in the rites of nature by the meer compulsion of lust, without love, or peace, wors then wild beasts. Nor was it half so wisely spokn, as some deem, though *Austin* spake it, that if God had intended other then copulation in Mariage, he would for *Adam* have created a freind, rather then a wife, to convers with; and our own writers blame him for this opinion; for which and the like passages, concerning marriage, hee might bee justly taxt of rusticity in these affairs. For this cannot but bee with ease conceav'd, that there is one society of grave freindship, and another amiable and attractive society of conjugal love, besides the deed of procreation, which of it self soon choies, and is despis'd, unless it bee cherisht and re-incited with a pleasing conversation. Which if ignoble and

swainish

swainish minde cannot apprehend, shall such merit therefore to be the censurers of more generous and vertuous Spirits ?

Against the last point of the position, to prove that contrariety of minde is not a greater cause of divorce, then corporal frigidity, hee enters into such a tedious and drawling tale of *burning, and burning, and lust and burning*, that the dull argument it self burnes to, for want of stirring ; and yet all this burning is not able to expell the frigidity of his brain. So long therefore, as that cause in the position shall bee prov'd a sufficient cause of divorce, rather then spend words with this steamy clodd of an *Antagonist*, more then of necessity, and a little meriment, I will not now contend whether it bee a greater cause then frigidity, or no.

His next attempt is upon the Arguments which I brought to prove the position. And for the first, not finding it of that structure, as to bee seal'd with his short ladder, hee retreats with a bravado, that it deserves no answer. And I as much wonder what the whole book deserv'd to bee thus troubl'd and sollicit'd by such a paltry Solliciter. I would hee had not cast the gracious eye of his dancery upon the small deserts of a pamphlet, whose every line meddl'd with, uncases him to scorn and laughter.

That which hee takes for the second Argument, if hee look better, is no argument, but an induction to those that follow. Then hee stumbles that I should say, the gentlest ends of Mariage, confessing that hee understands it not. And I beleeve him heartily : for how should hee, a Servingman both by nature and by function, an Idiot by breeding, and a Solliciter by presumption, ever come to know, or seek within himself, what the meaning is of gentle ? Hee blames it for a *neat phrase*, for nothing angers him more then his own proper contrary. Yet altogether without art sure hee is not ; for who could have devis'd to give us more briefly a better description of his own Servility ?

But what will become now of the busines I know not ; for the man is suddenly takn with a lunacy of Law, and speaks revelations out of the *Attorneys Academy*, only from a lying spirit : for hee saies that *where a thing is void, ipso facto, there needs no legal proceeding to make it void*. Which is fals, for mariage is void by adultery, or frigidity, yet not made void without legal proceeding. Then asks my opinion of *John a Nokes*, and *John a Stiles* ; and I answer him, that I for my

part think *John Dory*, was a better man then both of them: for certainly, they were the greatest wranglers that ever liv'd, and have fill'd all our Law-books with the obtunding story of thir suits and trials.

After this hee tells us a miraculous peece of antiquity, how two *Romans, Titus, and Sempronius made scoffments*, at *Rome* sure, and levied *Fines* by the Common Law. But now his fit of Law past, yet hardly come to himself, hee maintains, that if Mariage bee void, as beeing neither of God nor nature, *there needs no legal proceeding to part it*, and I tell him, that offends not mee; Then, quoth hee, *this is no thing to your book, being the Doctrin and Disciplin of Divorce*. But that I deny him; for all Discipline is not legal, that is to say juridical, but som is personal, som Economical, and som Ecclesiastical. Lastly, if I prove that contrary dispositions are joyn'd neither of God nor nature, and so the mariage void, *hee will give mee the contro versy*. I have prov'd it in that book to any wise man, and without more a doe the Institution proves it.

Where I answer an Objection usually made, that the disposition ought to bee known before mariage, and shew how difficult it is to choose a fit consort, and how easie to mistake, the Servitor would know what I mean by conversation, declaring his capacity nothing refin'd since his Law-puddering, but still the same it was in the Pantry, and at the Dresher. Shall I argue of conversation with this hoy-d'n to goe and practice at his opportunities in the Larder? To men of quality I have said enough, and experience confirms by daily example, that wisest, subtlest, justest men are sometimes miserably mistaken in thir choise. *Who is to leave this without remedy, to be tempted in a most unequalle sea of afflictions and temptations, I say is most unchristianly.*

But hee goes on to untruss my Arguments, imagining them his Maisters points. Only in the passage following, I cannot but admire the ripenes, and the pregnance of his native trechery, endeavouring to bee more a Fox then his wit will suffer him. When I briefly mention'd certain heads of Discours, which I refer'd to a place more proper according to my method, to bee treated there at full with all thir Reasons about them, this Brain-worm against all the Laws of Discipline, will needs deal with them here. And as a Country Hind sometimes ambitious to shew his beeter, that hee is not so simple as you take him, and that hee knows his advantages, will teach us a new trick

trick to confute by. And would you think to what a pride hee swels in the contemplation of his rare stratagem, offering to carp at the language of a book, which yet hee confesses to bee generally commended; while himself will bee acknowledg'd by all that read him, the basest and the hungriest endighter, that could take the boldnes to look abroad. Observe now the arrogance of a groom, how it will mount. I had writt'n, that common adultery is a thing which the rankest Politician would think it shame and disworship that his Law should countenance. First, it offends him that rankest should signify ought, but his own smell; who, that knows *Englisb*, would not understand mee, when I say a rank Serving-man, a rank petti-fogger, to mean a meer Servingman, a meer and arrant petti-fogger, who lately was so hardy, as to lay aside his buckram wallet, and make himself a fool in Print, with confuting books, which are above him. Next the word Politician is not us'd to his maw, and thereupon hee plaies the most notorious hobbihors, jesting and frisking in the luxury of his non-sense with such poor fetches to cog a laughter from us, that no antic hobnaile at a Morris, but is more handsomly facetious.

Concerning that place Deut. 24. 1. which hee saith to bee *the main pillar of my opinion*, though I rely more on the institution then on that. These two pillars I doe indeed confesse are to mee as those two in the porch of the Temple, *Jachin* and *Boaz*, which names import establishment, and strength; nor doe I fear, who can shake them. The exposition of *Deut.* which I brought, is the receav'd Exposition both ancient and modern, by all lerned men, unless it bee a Monkish Papist heer and there: and the gloss which hee and his obscure assistant would perswade us to, is meerly new, and absurd, presuming out of his utter ignorance in the Ebrew, to interpret those words of the Text, first in a mistakn sense of *uncleannes*, against all approved Writers. Secondly, in a limited sense, when as the original speaks without limitation, *some uncleannes, or any*; and it had bin a wife Law indeed to mean it self particular, and not to expresse the case which this acute Rabbie hath all this while bin hooking for. Whereby they who are most partial to him, may guess that something is in this doctria which I allege, that forces the adversary to such a new & strain'd Exposition, wherein hee does nothing for above foure pages, but founder himself to and fro in his own objections, one while denying

that divorce was permitted, another while affirming, *that it was permitted for the wives sake.* and after all distrusts himself. And for his surest retirement, betakes him to those old suppositions, *that Christ abolisht the Mosaic Law of divorce; that the Jews had not sufficient knowledge in this point, through the darknes of the dispensation of heavenly things; that under the plenteous grace of the Gospel, wee are ty'd by cruellest compulsion, to live in marriage till death, with the wickedest, the worst, the most persecuting mate.* These ignorant and doting surmises, he might have read confuted at large, even in the first Edition; but found it safer to pass that part over in silence. So that they who see not the sottishnes of this his new and tedious Exposition, are worthy to love it dearly.

His Explanation don, hee charges mee with a *wicked gloss, and almost blasphemy*, for saying that Christ in teaching meant not always to bee tak'n word for word; but like a wise Physician administering one excess against another, to reduce us to a perfect mean. Certainly to reach thus, were no dishonest method: Christ himself hath often us'd *hyperbolies* in his teaching; and gravest Authors, both *Aristotle* in the second of his *Ethics* to *Nichomachus*, and *Seneca* in his seventh *De Beneficiis*. advise us to stretch out the line of precept oft times beyond measure, that while wee tend further, the mean might bee the easier attain'd. And who-ever comments that fifth of *Matthew*, when hee comes to the *turning of cheek after cheek to blows*, and the *parting both with cloak and coat*, if any please to bee the riser, will bee forc't to recommend himself to the same Exposition, though this catering Law-monger bee bold to call it *wicked*. Now note another pretious peece of him; *Christ, saith hee, doth not say that an unchaste look is adultery, but the lusting after her*; as if the looking unchastly, could bee without lusting. This gear is Licenc't for good reason; *Imprimatur*.

Next hee would prove that the speech of Christ is not utter'd in excess against the Pharises, First, *Because hee speaks it to his Disciples, Matth. 5.* which is fals, for hee spake it to the multitude, as by the first *vers.* is evident, among which in all likelihood were many Pharises, but out of doubt, all of them Pharisaean disciples, and bred up in their Doctrine; from which extremes of error and falsity, Christ throughout his whole Sermon labours to reclaim the people. Secondly, *saith hee, Because Christ forbids not only putting away, but*

marrying her who is put away. Acutely, as if the Pharisees might not have offended as much in marrying the divorc'd, as in divorcing the married. The precept may bind all, rightly understood; and yet the vehement manner of giving it, may be occasion'd only by the Pharisees.

Finally, hee windes up his Text with much doubt and trepidation; for it may be his trenchers were not scrap't, and that which never yet afforded corn of favour to his noddle, the Salt-seller was not rubb'd: and therefore in this *hast easily granting, that his answers fall soule upon each other*, and praying, you would not think *hee writes as a profet, but as a man*, hee runs to the black jack, fills his flagon, spreads the table, and serves up dinner.

After waiting and voiding, hee thinks to void my second Argument, and the contradictions that will follow, both in the Law and Gospel, if the *Mosaic Law* were abrogated by our Saviour, and a compulsive prohibition fixt instead: and sings his old song, *that the Gospel counts unlawfull that which the Law allow'd*, instancing in *Circumcision, Sacrifices, Washings*. But what are these Ceremonial things to the changing of a morall point in household dutie, equally belonging to Jew and Gentile; divorce was then right, now wrong; then permitted in the rigorous time of Law, now forbid'n by Law even to the most extremely afflicted in the favourable time of grace and freedom. But this is not for an unbutton'd fellow to discuss in the Garret, at his tressle, and dimension of candle by the snuffe; which brought forth his cullionly paraphrase on St. Paul, whom he brings in, discoursing such idle stuff to the *Maids, and Widows*, as his own servile inurbanity forbears not to put into the Apostles mouth, *of the soules conversing*: and this hee presumes to doe beeing a bayard, who never had the soul to know, what conversing means, but as his provender, and the familiarity of the Kitchin school'd his conceptions.

Hee passes to the third Argument, like a Boar in a Vinyard, doing nought els, but still as hee goes, champing and chewing over, what I could mean by this *Chimera* of a fit conversing Soul, notions and words never made for those chopps; but like a generous Wine, only by overworking the settl'd mudd of his fancy, to make him drunk, and disgorge his vileness the more openly. All persons of gentle breeding (I say gentle, though this Barrow grunt at the word) I

know will apprehend and bee satisfy'd in what I spake, how unpleasing and discontenting the society of body must needs be between those whose mindes cannot bee sociable. But what should a man say more to a snout in this pickle, what language can be low and degenerate enough?

The fourth Argument which I had, was, that Mariage beeing a Covenant, the very beeing wherof consists in the performance of unfained love and peace, if that were not tolerably perform'd, the Covenant became broke and revocable. Which how can any in whose minde the principles of right reason and justice are not cancell'd, deny; for how can a thing subsist, when the true essence thereof is dissolv'd? yet this hee denies, and yet in such a manner as alters my assertion, for hee puts in, *though the main end bee not attain'd in full measure*: but my position is, if it be not tolerably attain'd, as throughout the whole Discours is apparent.

Now for his Reasons; *Heman found not that peace and solace, which is the main end of communion with God, should hee therefore break off that communion?*

I answer, that if *Heman* found it not, the fault was certainly his own: but in Mariage it happens farre otherwise: Sometimes the fault is plainly not his who seeks Divorce: Sometimes it cannot be discern'd, whose fault it is: and therefore cannot in reason or equity be the matter of an absolute prohibition.

His other instance declares, what a right handicrafts man hee is of petty cases, and how unfit to bee ought els at highest, but a hachney of the Law. *I change houses with a man; it is suppos'd I doe it for mine own ends; I attain them not in this house; I shall not therefore goe from my bargain.* How without fear might the young *Charinus* in *Andria* now cry out, *what likenes can bee heer to a Mariage?* In this bargain was no capitulation, but the yeilding of possession to one another, wherein each of them had his severall end apart: in Mariage there is a solemn vow of love and fidelity each to other: this bargain is fully accomplisht in the change; In Mariage the covenant still is in performing. If one of them perform nothing tolerably, but instead of love, abound in disaffection, disobedience, fraud, and hatred, what thing in the nature of a covenant shall bind the other to such a perdurable mischeif? Keep to your Problemes of ten groats, these matters are not for pragmatics, and folks toooters to babble in.

Concerning the place of *Paul*, that *God hath call'd us to peace*, 1-Cor. 7. and therefore certainly, if any where in this world, wee have a right to claim it reasonably in mariage, tis plain anough in the sense which I gave, and confess'd by *Parents*, and other Orthodox Divines, to bee a good sense, and this Answerer, doth not weak'n it. The other place, *that hee who hateth, may put away*, which, if I shew him, he promises to yeeld the whole controverſie, is, besides, *Deut. 24. 1. Deut. 21. 14.* and before this, *Exod. 21. 8.* Of *Malachy* I have spok'n more in another place; and say again that the best interpreters, all the ancient, and most of the modern translate it, as I cited, and very few otherwise, wherof perhaps *Junius* is the cheif.

Another thing troubles him, that mariage is call'd the mystery of Joy. Let it still trouble him; for what hath hee to doe either with joy, or with mystery? He thinks it *frantic divinity* to say, It is not the outward continuance of mariage, that keeps the covenant of mariage whole, but whosoever doth most according to peace and love, whether in mariage or divorce, hee breaks mariage left. If I shall spell it to him, *Hee breaks mariage left*, is to say, hee dishonours not mariage; for *least* is tak'n in the Bible, and other good Authors, for, *not at all*. And a particular mariage a man may break, if for a lawfull cause, and yet not break, that is, not violate, or dishonour the Ordinance of Mariage. Hence those two questions that follow, are left ridiculous; and the *Maids at Algase*, whom hee flouts, are likely to have more witt then the Servingman at Addlegate.

Whereas hee taxes mee of adding to the Scripture in that I said, Love only is the fulfilling of every Commandment, I cited no particular Scripture, but spake a general sense, which might bee collected from many places. For seeing love includes Faith, what is ther that can fulfill every commandment but only love? And I meant, as any intelligent Reader might apprehend, every positive, and civil commandment, wherof Christ hath taught us that *man is the Lord*. It is not the formal duty of worship, or the sitting still, that keeps the holy rest of Sabbath; but whosoever doth most according to charity, whether hee work, or work not; hee breaks the holy rest of Sabbath least. So Mariage becing a civil Ordinance made for man, not man for it; hee who doth that which most accords with charity, first to himself, next to whom hee next owes it, whether in mariage or divorce, hee breaks the Ordinance of mariage least. And what in Re-

ligious prudence, can bee charity to himself, and what to his Wife, either in continuing, or in dissolving the marriage knot, hath bin already oft enough discours'd. So that what St. *Paul* saith of circumcision, the same I stick not to say of a civil ordinance, made to the good, and comfort of man, not to his ruin; marriage is nothing, and divorce is nothing, *but faith, which worketh by love.* And this I trust none can mistake.

Against the fifth Argument, That a Christian in a higher order of Priest-hood, then that Levitical, is a person dedicat to joy and peace; and therefore needs not in Subjection to a civil Ordinance, made to no other end but for his good (when without his fault hee findes it impossible to bee decently or tolerably observ'd) to plunge himself into immeasurable distractions and temptations, above his strength; against this hee proves nothing, but gadds into silly conjectures of what abuses would follow, and with as good reason might declaim against the best things that are.

Against the sixth Argument, that to force the continuance of marriage between mindes found utterly unfit, and disproportional, is against nature, and seems foridd under that *allegorical* precept of *Moses*, *Not to sow a field with divers seeds, lest both bee desil'd, not to plough with an Oxe and an Ass together*, which I deduc'd by the pattern of St. *Pauls* reasoning what was meant by *not muzzling the Oxe*, hee rambles over a long narration, to tell us that by the *Oxen* are meant the *Preachers*: which is not doubted. Then hee demands, *if this my reasoning bee like St. Pauls*, and I answer him, yes. Hee replies that *sure St. Paul would bee asham'd to reason thus.* And I tell him, No. Hee grants that place which I alleg'd, 2 Cor. 6. of unequal yoking, may allude to that of *Moses*, but saies, *I cannot prove it makes to my purpos*, and shews not first, how hee can disprove it. Waigh, Gentlemen, and consider, whether my affirmations, backt with reason, may hold balance against the bare denials of this ponderous confuter, elected by his ghostly Patrons to bee my copes-mate.

Proceeding on to speak of mysterious things in nature, I had occasion to fit the language thereafter, matters not for the reading of this odious fool, who thus ever when hee meets with ought above the cogitation of his breeding, leaves the noysom stench of his rude slot behind him, maligning that any thing should bee spoke or understood, above his own ~~common~~ *balance*; and gives sentence that his confu-

ting hath bin employ'd about a frothy, immeritous and undeserving discourse. Who could have beleevd so much insolence durst vent it self from out the hide of a varlet, as thus to censure that which men of mature judgement have applauded to bee writ with good reason. But this contents him not, hee falls now to rave in his barbarous abusive-nes; and why? a reason besitting such an Artificer, because he saith *the Book is contrary to all human learning*; When as the world knows that all, both human and divine learning, till the Canon Law, allow'd divorce by consent, and for many causes without consent. Next he dooms it, *as contrary to Truth*; when as it hath bin disputable among lerned men, ever since it was prohibited: and is by *Peter Martyr* thought an *opinion not impious, but hard to bee refused*; and by *Erasmus* deem'd a *Doctrin so charisable and pious, as, if it cannot bee us'd, were so bee wisht it could*; but is by *Martin Bucer*, a man of dearest and most religious memory in the Church, taught and maintain'd to bee either most lawfully us'd, or most lawfully permitted. And for this, for I affirm no more then *Bucer*, what censure doe you think, Readers he hath condemn'd the book to? To a death no less infamous then *to be burnt by the hangman*. Mr. Licencer, for I deal not now with this caittif, never worth my earnest, & now not seasonable for my jest, you are reputed a man discreet enough, religious enough, honest enough, that is, to an ordnary competence in all these. But now your turn is, to hear what your own hand hath earn'd ye, that when you suffer'd this nameles hangman to cast into public such a despiightfull contumely upon a name and person deserving of the Church and State equally to your self, and one who hath don more to the present advancement of your own Tribe, then you or many of them have don for themselves, you forgot to bee either honest, Religious, or discreet. What ever the State might doe concerning it, suppos'd a matter to expect evill from, I should not doubt to meet among them with wise, and honourable, and knowing men. But as to this brute Libel, so much the more impudent and lawless for the abus'd authority which it bears, I say again, that I abominat the censure of Rascalls and their Licencers.

With difficulty I return to what remains of this ignoble task, for the disdain I have to change a period more with the filth and venom of this gourmand, swell'd into a confuter. Yet for the satisfaction of others, I endure all this.

Against the seventh Argument, that if the Canon Law and Divines allow divorce for conspiracy of death, they may as well allow it to avoid the same consequence from the likelihood of naturall causes;

First, hee denies that the Canon so decrees.

I Answer, that it decrees for danger of life, as much as for adultery. *Decret. Gregor. l. 4. tit. 19.* and in other places: and the best Civilians who cite the Canon Law, so collect, as *Schneidewin in institut. tit. 10. p. 4. de divort.* and indeed who would have deny'd it, but one of a reprobate ignorance in all hee meddles with.

Secondly, hee saith, the case alters, for there the offender *who seeks the life, doth implicitly at least ask a divorce.*

And I answer, that heer nature though no offender, doth the same. But if an offender *by acting a divorce*, shall release the offended, this is an ample grant against himself. Hee saith, *nature teacheth to save life from one who seeks it.* And I say she teaches no less to save it from any other cause that endangers it. Hee saith, *that hee they are both actors.* Admit they were, it would not be uncharitable to part them; yet sometimes they are not both actors, but the one of them most lamentedly passive. So hee concludes, *Wee must not take advantage of our own faults and corruptions to release us from our duties.* But shall wee take no advantage to save our selves from the faults of another, who hath anull'd his right to our duty? No, saith hee, *Let them die of the sullen, and try who will pity them.* Barbarian, the shame of all honest Attorneys, why doe they not hoist him over the barre, and blanket him?

Against the eighth Argument, that they who are destitute of all marriageable guifts, except a body not plainly unfit, have not the calling to marry, and consequently married and so found, may bee divorc'd, this, hee saith, *is nothing to the purpose*, and not fit to bee answer'd. I leav it therefore to the judgement of his Masters.

Against the ninth Argument, that marriage is a human society, and so chiefly seated in agreement and unity of minde: If therefore the minde cannot have that due society by marriage, that it may reasonably and humanly desire, it can bee no human society, and so not without reason divorcible, heer hee falsifies, and turnes what the position requir'd of a reasonable agreement in the main matters of society, into an agreement in *all things*, which makes the opinion not mine, and so hee leaves it.

At last, and in good hour we are come to his farewell, which is to be a concluding taste of his jabberment as in Law, the flashiest and the fullest that ever corrupted in such an unwill'd hogthead.

Against my tenth Argument, as he calls it, but as I intended it, my other position, that Divorce is not a thing determinable by a compulsive Law, for that all Law is for some good that may be frequently attain'd without the admixture of a worse inconvenience; but the Law forbidding divorce, never attains to any good end of such prohibition, but rather multiplies evil; therefore, the prohibition of divorce is no good Law. Now for his Attorneys' prize: but first, like a right cunning and sturdy Logician, he denies my Argument not mattering whether in the *major* or *minor*: and saith, *there are many Laws made for good, and yet that good is not attain'd, through the defaults of the party, but a greater inconvenience follows.*

But I reply that this Answer builds upon a shallow foundation, and most unjustly supposes every one in default, who seeks divorce from the most injurious wedlock. The default therefore will be found in the Law itself; which is neither able to punish the offender, but the innocent must withall suffer; nor can right the innocent, in what is chiefly sought, the obtainment of love or quietness. His instances out of the Common Law, are all so quite beside the matter which he would prove, as may be a warning to all clients how they venture their business with such a cock-brained Solicitor. For being to shew some Law of *England*, attaining to no good end, and yet through no default of the party, who is thereby debar'd all remedy, he shews us only how some do lose the benefit of good Laws through their own default. His first example saith, *It is a just Law that every one shall peaceably enjoy his estate in Lands or otherwise.* Does this Law attain to no good end? the Barr will blush at this most incogitant Woodcock. But see if a draft of *Littleton* will recover him to his senses. *If this man having Fee simple in his Lands, yet will take a Leas of his own Lands, from another, this shall be an Estoppel to him in an Assise from the recovering of his own Land.* Mark now, and register him. How many are there of ten thousand who have such a Fee simple in their conscience, as to take a Leas of their own Lands from another? So that this inconvenience lights upon scarce one in an age, and by his own default; and the Law of enjoying each man his own, is good to all others. But on the contrary, this prohibition of divorce is good

to none, and brings inconvenience to numbers, who lie under intolerable greivances, without thir own default, through the wickednes or folly of another; and all this iniquity the Law remedies not, but in a manner maintains? His other cases are directly to the same purpos, and might have bin spar'd, but that hee is a tradesman of the Law, and must be born with at his first setting up, to lay forth his best ware, which is only gibbrish.

I have now don that, which for many causes I might have thought, could not likely have bin my fortune, to bee put to this under-work of scowring and unrubbing the low and sordid ignorance of such a presumptuous lozel. Yet *Hercules* had the labour once impos'd upon him to carry dung out of the *Argive* stable. At any hand I would bee ridd of him: for I had rather, since the life of man is likn'd to a Scene, that all my entrances and *exits* might mixe with such persons only, whose worth erects them and their actions to a grave and *tragic* deportment, and not to have to doe with *Clowns* and *Vices*. But if a man cannot peaceably walk into the world, but must bee infested, somtimes at his face, with dorrs and horsflies, somtimes beneath, with bauling whippets, and shin-barkers, and these to bee set on by plot and consultation with a *Junto* of Clergy men and Licencers, commended also and rejoyc't in by those whose partiality cannot yet forgoe old papistcally principles, have I not cause to bee in such a manner defensive, as may procure mee freedom to pass more unmolested heerafter by these incumbrances, not so much regarded for themselves, as for those who incite them. And what defence can properly bee us'd in such a despicable encounter as this, but either the flap or the spurn? If they can afford mee none but a ridiculous adversary, the blame belongs not to mee, though the whole Dispute bee strew'd and scatter'd with ridiculous. And if hee have such an ambition to know no better who are his mates, but among those needy thoughts, which though his two faculties of Serving-man and Soliciter, should compound into one mongrel, would bee but thin and meager, if in this penury of Soul hee can bee possible to have the lustinels to think of fame, let him but send mee how hee calls himself, and I may chance not fail to endorse him on the back-side of posterity, not a *golden*, but a brazen Ass. Since my fate extorts from mee a talent of sport, which I had thought to hide in a napkin, hee shall bee my *Batrachomnobia*, my *Bavins*, my *Calandrino*.

COLASTERION

laudrine; the common adage of ignorance and overweening pride, perhaps, as the provocation may bee, I may bee dilaed to this gliding prose into a rough *Sotadic*, that shall rime him to a condition, as instead of judging good Books to bee barren, the executioner, hee shall be readier to be his own hangman. Thus to this *Nuisance*.

But as for the Subject it self which I have writt, and now according as the opposition beares, if any man equal to the shall think it appertains him to take in hand this controversy, excepting against ought writt'n, or perswaded hee can show how this question of such moment to bee thoroughly known, to ceav a true determination, not leaning on the old and rotten questions wheron it yet leanes, if his intents bee sincere to the public, and shall carry him on without bitterness to the opinion, or to the person dissenting, let him not, I entreate him, guesse by the handling, which meritoriously hath bin bestowd on this object of contempt and laughter; that I account it any displeasure don mee to bee contradicted in Print: but as it leads to the attainment of any thing more true, shall esteem it a benefit; and shall know how to return his civility and faire Argument in such a sort, as hee shall confesse that to doe so is my choise, and to have don thus was my chance.

The End.

